

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RUTHIE R. ROBERTSON,

Plaintiff,

vs.

Case No. 07-CV-12027  
HON. GEORGE CARAM STEEH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#20),  
GRANTING, IN PART, PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (#12),  
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (#15), AND  
REMANDING TO ALJ

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Ruthie Robertson's claim for judicial review of the denial of her June 6, 1999 application for disability insurance benefits premised on the alleged condition of sarcoidosis. The matter was referred to Magistrate Judge R. Steven Whalen. On May 21, 2008, Magistrate Judge Whalen issued a 22-page Report and Recommendation recommending that defendant's motion for summary judgment be denied, and plaintiff's motion for summary judgment be granted, in part, to the extent plaintiff requested that the matter be remanded to the Administrative Law Judge ("ALJ") for further fact finding. Magistrate Judge Whalen recommends that the matter be remanded to the ALJ for the limited purpose of either adopting plaintiff's treating physician Dr. Michael Coffey's December 2003 opinion that plaintiff's condition would require her to miss at least two

workdays per month, qualifying plaintiff for disability benefits, or give "good reasons" for rejecting the opinion, citing Wilson v. Commissioner of Social Sec., 378 F.3d 541, 544 (6th Cir. 2004) (citing 20 C.F.R. § 404.1527(d)(2) (2004)). Neither party has filed objections. See 28 U.S.C. § 636(b)(1). The court has reviewed the Report and Recommendation, and in the absence of timely objection,

The court hereby adopts Magistrate Judge Whalen's May 21, 2008 Report and Recommendation. Defendant Commissioner of Social Security's motion for summary judgment is hereby DENIED. Plaintiff Robertson's motion for summary judgment is GRANTED, IN PART, to the extent this matter is hereby REMANDED to the ALJ for further factual development consistent with the analysis set forth in the May 21, 2008 Report and Recommendation.

SO ORDERED.

Dated: July 9, 2008

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 9, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin  
Deputy Clerk